

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MURRAY PAVING & RECLAMATION, INC.,

Plaintiff,

v.

INGERSOLL-RAND EQUIPMENT & SERVICES
COMPANY and INGERSOLL-RAND COMPANY,

Defendants.

CIVIL ACTION No. 04-10328 GAO

**AFFIDAVIT OF LARRY DRAPEAU IN SUPPORT OF
INGERSOLL-RAND COMPANY'S MOTION FOR SUMMARY JUDGMENT**

I, Larry Drapeau, being duly sworn, deposes and says as follows:

1. I am the Branch Manager of Ingersoll-Rand Company d/b/a Ingersoll-Rand Equipment & Services ("Ingersoll-Rand") located in Southboro, Massachusetts.
2. I make this affidavit in support of Ingersoll-Rand's Motion for Summary Judgment. I have actual knowledge of the matters stated in this affidavit and could and would so testify if called as a witness.
3. Ingersoll-Rand is a New Jersey corporation that manufactures and sells a variety of products, including Blaw-Knox® pavers. Attached hereto as Exhibit A are true and correct copies of Ingersoll-Rand marketing materials concerning the type of paver at issue in this case.
4. Ingersoll-Rand sometimes does business as Ingersoll-Rand Equipment & Services for the purpose of distributing Blaw-Knox pavers and various other Ingersoll-Rand products. IRES is not incorporated.
5. Blaw-Knox is a trade name used by Ingersoll-Rand for certain products.

6. Ingersoll-Rand has a full-service repair shop and mechanics who are trained to identify and fix problems with Blaw-Knox pavers. Although Ingersoll-Rand is no longer willing to give plaintiff a new paver, Ingersoll-Rand has always maintained that it would repair the paver pursuant to the paver's express written warranties.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. EXECUTED THIS 29th DAY OF NOVEMBER, 2004.



Larry Drapeau

STATE OF Massachusetts

Subscribed and sworn to before me this 29th day of November, 2004.



Notary Public

My commission expires 08-04-2006

Certificate of Service

I certify that on November 30, 2004, I served the foregoing document on plaintiff by causing a copy of the same to be delivered by HAND DELIVERY to its counsel of record: Peter F. Davis, 15 Broad Street, Suite 512, Boston, Massachusetts 02109.



Carter D. Morse, Jr.